

ACTION AID-00 RELEASED IN PART UNCLASSIFIED
B1, 1.4(D)

INFO	LOG-00	NP-00	CIAE-00	INL-00	DODE-00	WHA-00	PERC-00
	DS-00	EB-00	EUR-00	H-00	TEDE-00	INR-00	LAB-01
	L-00	AC-00	NSAE-00	PA-00	ACE-00	FMPC-00	SP-00
	IRM-00	DSCC-00	PRM-00	DRL-00	NFAT-00	SAS-00	/001W

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P 081308Z SEP 04
FM AMEMBASSY CARACAS
TO SECSTATE WASHDC PRIORITY 7596
INFO AMEMBASSY BOGOTA PRIORITY
AMEMBASSY BRASILIA PRIORITY
AMEMBASSY BUENOS AIRES PRIORITY
AMEMBASSY LA PAZ PRIORITY
AMEMBASSY LIMA PRIORITY
AMEMBASSY LISBON PRIORITY
AMEMBASSY MADRID PRIORITY
AMEMBASSY MEXICO PRIORITY
AMEMBASSY QUITO PRIORITY
AMEMBASSY SANTIAGO PRIORITY
USINT HAVANA PRIORITY
NSC WASHDC PRIORITY
HQ USSOUTHCOM MIAMI FL PRIORITY

C O N F I D E N T I A L CARACAS 002808

NSC FOR CBARTON
HQ USSOUTHCOM ALSO FOR POLAD
USAID DCHA/OTI FOR RPORTER

E.O. 12958: DECL: 05/25/2014
TAGS: PHUM, KJUS, PGOV, VE
SUBJECT: VENEZUELAN MAYOR RELEASED FROM PRISON

Classified By: POLITICAL COUNSELOR ABELARDO A. ARIAS FOR REASONS 1.4 (d
)

SUMMARY

1. (C) Judge Dayva Soto Vallenilla released Baruta Mayor Henrique Capriles from pre-trial detention September 6, following a defense motion on September 2. Capriles must appear before the court every 15 days, remain in Venezuela, and is not allowed to make public comments on the case against him. Prosecutor Danilo Anderson has five days to appeal the decision. Chacao Mayor Leopoldo Lopez said the decision "gave a ray of light in a Judicial Power which is

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: APPEALS REVIEW PANEL
CLASSIFICATION: CONFIDENTIAL REASON: 1.4(D)
DECLASSIFY AFTER: 7 SEP 2029
APPEAL ACTION: ORIGINAL DECISION UPHELD
REASON(S): B1, 1.4(D)
DATE/CASE ID: 21 SEP 2007 200404750

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: MELVIN E SINN
DATE/CASE ID: 30 JUN 2005 200404750

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rotten, and takes decisions according to political interests." MVR Deputy Willian Lara called the decision proof that "the Venezuelan state respects the rights, even of those who do not respect the Bolivarian Constitution and the law..."

End Summary.

Capriles Freed

2. (U) Judge Dayva Soto Vallenilla ruled in favor of a defense motion to free Baruta Mayor Henrique Capriles (Primero Justicia) from pre-trial detention on September 6, after 120 days in DISIP custody. Capriles is charged with colluding with rioters in front of the Cuban Embassy on April 12, 2002. Judge Soto substituted the detention order with the requirement that Capriles present himself to the court every 15 days, not leave Venezuela, and not make public comments on the case. Prosecutor Danilo Anderson has five days to consider an appeal of the decision. Capriles was released the evening of September 6.

Lopez Cites Leon Case

3. (U) Chacao Mayor Leopoldo Lopez (Primero Justicia) told reporters the decision was, "a ray of light in a Judicial Power which is rotten, and takes decisions according to political interests." Lopez pointed to the arrest on September 4 of Judge Juan Ramon Leon Villanueva, on charges of trying to bribe the head of Venezuela's investigative police (CICPC). Leon was the judge who ordered Capriles be sent to trial on August 18. Lopez called Leon, "a corrupt judge who was seen committing extortion, and who ended up showing that the Capriles case was political."

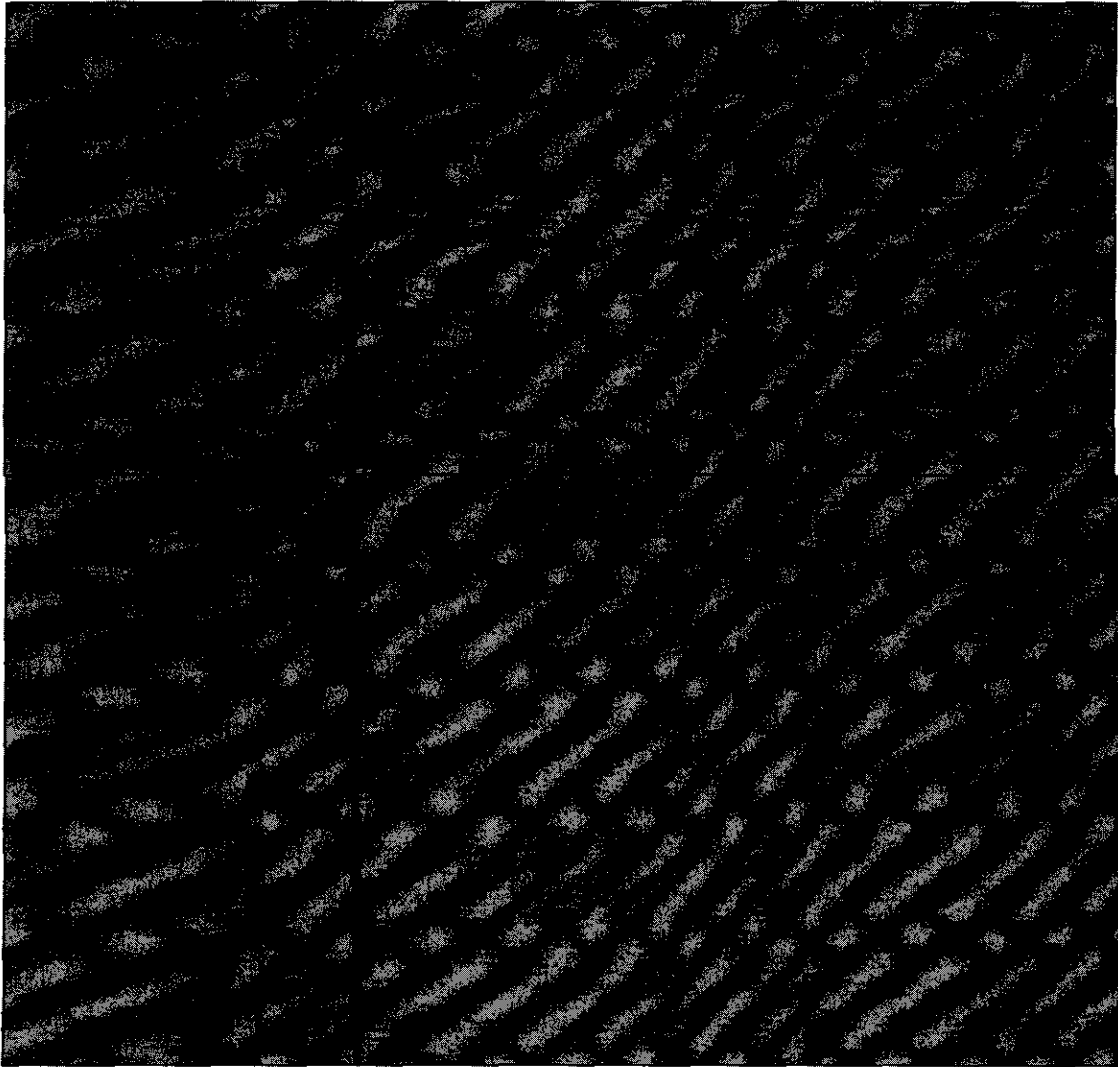
Even Justice for our Enemies

4. (U) MVR Deputy Willian Lara told official news agency VenPress that the decision to release Capriles was proof that, "the Venezuelan state respects the rights, even of those who do not respect the Bolivarian Constitution and the law, with anti-democratic conduct of a fascist character, as

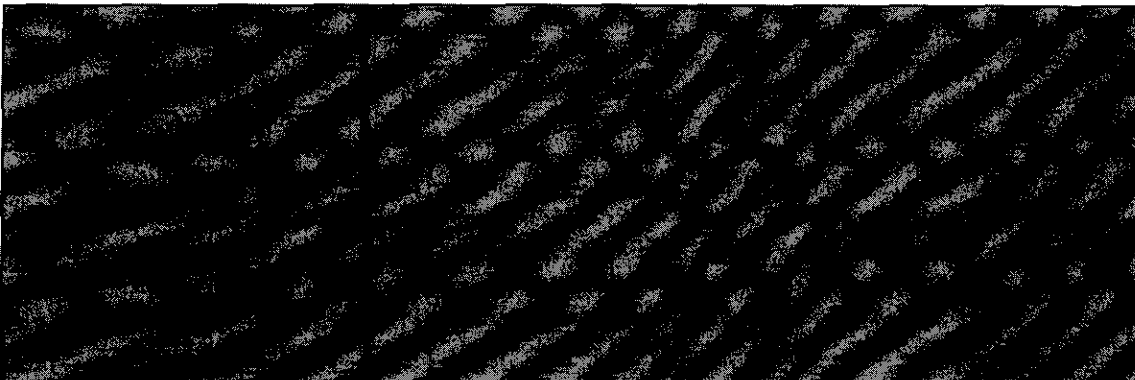
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was (Capriles') on April 12, 2002 in the assault on the Cuban Embassy." He said the decision invalidates all the accusations of Primero Justicia leaders that Capriles' rights had been violated.



Comment



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